REMARKS

This response is filed in response to an Office Action dated February 13, 2008, issued by the United States Patent and Trademark Office in connection with the above identified application. A response to the Office Action was due May 13, 2008. A petition for 3 months extension of time is enclosed. Accordingly this amendment is being timely filed.

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner.

Claims 1-19 are pending in the application. Claims 2, 6, 11 and 14 have been cancelled. Claims 1, 3-5, 7-10, 12 and 15-19 have been amended. New claims 20 and 21 have been added. Reconsideration of the application is respectfully requested.

Claim Objections

Claims 18 is objected to because of informalities. Claims 18 has been amended, thereby overcoming the cited objections.

Claim Rejections - 35 USC §102

Claims 1, 2, 4, 6-9, and 11-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Leitner et al. (US Patent No: 6,500,131).

Claims 1, 2, 6-9, 11-16 and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Schectman et al. (US Application No: 2005/0148839).

Applicants respectfully traverse this rejection in view of the remarks that follow:

Claims 2, 6, 11 and 14 have been cancelled. Claims 1, 3-5, 7-10, 12 and 15-19 have been amended.

Claim 1 has been amended and discloses an inclination measuring device, which includes inertial sensors in communication with a central processing unit. The inclination tracking measuring device is configured to dynamically map the angle of inclination of a person's trunk, and the inertial sensors include at least one of a group including a plurality of gyros, a two-axis inclinometer and a plurality of accelerometers.

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Leitner et al et al describes a contour mapping system for analyzing the spine. Schectman et al. describes a method for calculating the deformity of the spine.

The inclination measuring device of the present application relates to a standalone apparatus for measuring and computing, *inter alia*, the inclination of a patient's trunk. The inclination measuring device uses inertial sensors, including gyros, a dual-axis inclinometer and a accelerometers to measure groups of vertebrae (such as the upper thoracic, mid-thoracic, and lumbar regions of the spine). The device computes the data and may display the data as different of the spine, such as in the form of Coronal, Sagittal and Apical views.

Neither Leitner et al nor Schectman et al, describe or suggest an inclination measuring device which includes inertial sensors for measuring the inclination of a person's trunk.

Thus, Applicants respectfully submit that the prior art cited by the Examiner, that is, Leitner et al nor Schectman et al, does not anticipate Applicant's amended claim 1. Since claims 3-5, 7-10, 12-13 and 15-19 depend from independent claim 1, claims 3-5, 7-10, 12-13 and 15-19 cannot be anticipated for the reasons described above with respect to claim 1.

New claims 20 and 21 have been added. Claim 20 is similar to claim 1 in that it also recites an inclination measuring device, which includes inertial sensors in communication with a central processing unit. The inertial sensors include at least one of a group including a plurality of gyros, a two-axis inclinometer and a plurality of accelerometers.

The inclination tracking measuring device (of claim 20) is configured to dynamically map the angle of inclination of an object.

Applicants respectfully submit neither that Leitner et al nor Schectman et al., anticipate Applicant's claim 20. Since claim 21 depends from independent claim 20, claim 21cannot be anticipated for the reasons described above with respect to claim 20.

Claim Rejections - 35 USC §103

Claims 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Leitner et al. (US Patent No: 6,500,131) as applied to claim 1, and further in view of Wada et al. (US 2005/0020942).

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Leitner et al. (US Patent No: 6,500,131) as applied to claim 1, and further in view of Peckham et al. (US 5,167,229).

Claims 4, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schectman et al. (2005/0148839) as applied to claim 1, and further in view of Leitner et al. (US Patent No: 6,500,131).

Claims 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schectman et al. (US Application No: 2005/0148839)as applied to claim 1, and further in view of Wada et al. (US 2005/0020942).

Applicants believe that these rejections have been overcome in view of the remarks that follow.

Claims 1, 3-5, 7-10, 12 and 15-19 have been amended.

Leitner et al (6,500,131) and Schectman et al (2005/0148839) have been discussed above and are relevant here. Neither Leitner et al. nor Schectman et al., anticipate Applicant's amended claim 1. Since claims 3, 4, 5, 10, 17 and 18 are dependent from claim 1, claims 3, 4, 5, 10, 17 and 18 are similarly not anticipated.

Wada et al. describes a spinal column measurement system but does not describe or suggest an inclination measuring device which includes inertial sensors for measuring the inclination of a person's trunk.

Peckham et al. describes a neuromuscular simulation system but does not describe or suggest an inclination measuring device which includes inertial sensors for measuring the inclination of a person's trunk.

Since neither Wada et al. nor Peckham et al. do not overcome the deficiencies of Leitner et al (6,500,131) and Schectman et al (2005/0148839), neither Wada et al. nor Peckham et al. can anticipate Claim 1.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Leiner et al. and/or Schectman et al and/or Wada et al. and/or Peckham et al. does not meet the requirements of an obvious rejection in that neither teaches nor suggests, alone or in combination, an inclination measuring device, which includes inertial sensors (including at least one of a group including a plurality of gyros, a two-axis inclinometer and a plurality of accelerometers) in communication with a central processing unit, teach all the elements of independent claim 1, the Office Action fails to establish a *prima facie* showing that Leitner et al in view of Wada et al. or in view of Peckham et al suggest every feature of claim 1. Similarly, the Office Action fails to establish a *prima facie* showing that Schectman et al in view of Leitner et al. or in view of Wada et al suggest every feature of claim 1.

Since claims claims 3, 4, 5, 10 ,17 and 18 are dependent from claim 1, Applicants believe the rejection of these claims has been overcome for at least the same reason.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below.

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentable over the art of record and are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

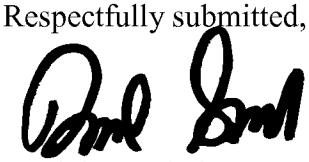
Petition for Three-Month Extension of Time under 37 CFR 1.136(a)

The period for responding to the instant Notice was set to expire on May 13, 2008. Applicant hereby requests that the period for responding to the instant Office Action be extended

by three (3) months, so as to expire on August 13, 2008. Accordingly this response is being timely filed.

The fee for a Petition for a Three-Month Extension of Time is ($525.00) for a small entity. The United States Patent and Trademark Office is authorized to charge Deposit Account 501380 in the amount of $525.00 and any additional fee which is necessary in connection with the filing of this response and petition.

Respectfully submitted,



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